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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/391,427	09/08/1999	THEODORE JAMES MYERS	AOO506	8593

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EXAMINER
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KALINOWSKI, ALEXANDER G

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/391,427

Applicant(s)

MYERS ET AL.

Examiner

Alexander Kalinowski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-15, 17-22, 24-45, 59-63 and 66-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-15, 17-22, 24, 25, 38-43, 59-63 and 66-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 12-15, 17-22, 24-25, 38-43, 59-63, and 66-68 are presented for examination. Applicant filed an amendment on 11/26/2004, asking for reconsideration of the rejection based on 35 USC 103. In light of Applicant's arguments, the Examiner withdraws the grounds of rejection of claims 12-15, 17-22, 24, 25, 38-46 and 59-68. New grounds of rejection are established for claims 12-15, 17-22, 24-25, 38-43, 59-63, and 66-68 based on 35 SUC 112(1) and 35 USC 103 as set forth in detail below.

### ***Response to Arguments***

2. Applicant's arguments filed 11/26/2004 have been fully considered but they are not persuasive or moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 12-15, 17-22, 24-25, 38-43, 59-63, and 66-68 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the independent claims are directed to at least auctioning the goods or services based at least on one offer and at

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least one counteroffer. Applicant has relied on dictionary definitions of offer, counter-offer and auction. However, the specification does not contain an enabling disclosure for this feature as claimed and as defined.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12, 13, 18-21, and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman, Pat. No. 5,940,481 in view of Yoshida, Pat. No. 5,877,704 and Walker et al., Pat. No. 5,794,207 (hereinafter Walker).

As to claims 12, 20, and 38, Zeitman discloses a method performed by a customer communication device operated by a customer, in a combination reservation and navigation system (i.e. parking management)(see Fig. 1 and abstract), comprising the steps of

accessing reservation information representing a good or a service that may be reserved by customers from one of a plurality of businesses (i.e. user may reserve a parking facility)(col. 5, lines 1-5);

making a request for a reservation of the good or the service responsive to the step of accessing the reservation information (col. 5, lines 7-9);

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receiving confirmation information, representing that the reservation has been made for the good or the service associated with one of the plurality of businesses, responsive to the step of making the request(i.e. receives confirmation of authorization to park there)(col. 5, lines 15-18); and

receiving electronic navigation information from a reservation communication device over a communication link responsive to the step of receiving the confirmation information, wherein the electronic navigation information assists the customer in traveling from a customer geographic location to a business geographic location of the good or the service reserved by the customer (i.e. map of region in which user is interested in parking)(col. 5, lines 5-7).

negotiating with the reservation communication device for the good or the service desired by the customer responsive to the reservation communication device (i.e. a user may reserve a parking facility ... the next time a potential user ... wishes to park in the reserved facility and communicates with central computer unit 12, the user receives a message that the facility is reserved and not authorized for use)(see Fig. 3 col. 5, lines 1-17).

Zeitman does not explicitly disclose

allows for at least one offer and at least one counteroffer for the good or service.

However, Yoshida discloses allows for at least one offer and at least one counteroffer for the good or service (col. 9, lines 22-48). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the

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aforementioned limitation as disclosed by Yoshida within Zeitman for the motivation of enabling placement of a reservation for parking from a remote site (col. 1, lines 32-34).

Zeitman and Yoshida do not explicitly disclose

auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer.

However, Walker discloses auctioning the good or the service to the customer, wherein the auctioning allows for at least one offer and at least one counteroffer (col. 8, lines 42-50, col. 9, lines 45-51, col. 16, lines 12-62 and col. 18, line 56 – col. 19, line 28). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitation as disclosed by Walker within Zeitman and Yoshida for the motivation of allowing the buyer to set terms for goods and services that he/she is willing to accept and provides sellers with an indication of the state of the market for their products (col. 4, lines 1-12).

As to claims 13 and 21, Zeitman discloses a method further comprising the steps of transmitting a payment to one of the reservation communication device and a business communication device for the good or the service associated with the reservation responsive to the step of making the request for the reservation (i.e. billing apparatus)(col. 3, lines 23-32); and receiving receipt information representing that the payment has been received by the one of the reservation communication device and the business communication device responsive to the step of transmitting the payment(col. 3, lines 23-32) .

As to claim 14, Zeitman does not explicitly disclose a method according to claim 12 further comprising the step of

transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information (col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include transmitting a request for the electronic navigation information responsive to the step of receiving the confirmation information as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col. 4, lines 1-7).

As to claims 17 and 24, Zeitman discloses a method according to claim 12: wherein the steps of accessing the reservation information, making the request and receiving the confirmation information are performed by a fixed customer communication device (i.e. computer)(col. 3, lines 19-22), and

Zeitman does not explicitly disclose wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device.

However, Yoshida discloses receiving electronic navigation information upon receiving confirmation information i.e. vehicle mounted device)(col. 3, lines 62-67 and

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col. 4, lines 1-7 and lines 44-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein the step of receiving the electronic navigation information is performed by a mobile customer communication device as disclosed by Yoshida within Zeitman for the motivation of placing a reservation for a parking space from a remote site and provide roadway information as well (col. 1, lines 32-40 and col. 4, lines 1-7).

As to claims 18, and 39, Zeitman discloses a method further comprising the step of communicating the confirmation information to the one of the plurality of businesses located at the business geographic location responsive to the customer arriving at the business geographic location (user may report his arrival to central control unit or parking attendant)(col. 3, lines 58-63).

As to claims 19, 25, and 40-42, Zeitman discloses a method wherein the confirmation information is communicated to a business communication device, associated with the one of the plurality of businesses, at the business geographic location over a radio frequency communication link responsive to the customer communication device being proximate to the business communication device (col. 4, lines 13-23).



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7. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman, Yoshida and Walker as applied to claims 12 and 20 above, and further in view of Sehr, Pat. No. 6,085,976.

As to claim 15 and 22, Zeitman and Yoshida do not explicitly disclose a method according to claim 12 wherein the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer.

However, Sehr discloses the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer (i.e. passenger's purchase habits)(col. 6, lines 10-15). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the customer information includes a customer profile representing preferences of the customer for the good or the service desired by the customer as disclosed by Sehr within Zeitman, Yoshida and Walker for the motivation of providing better quality of service (col. 2, lines 7-14).

8. Claims 43 and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman, Yoshida and Walker as applied to claims 12, 20, and 38 above, and further in view of DeLorme et al., Pat. No. 5,948,040 (hereinafter DeLorme).

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As to claim 43, Zeitman does not explicitly disclose a customer communication device according to claim 40 wherein the radio frequency communication interface is adapted to communicate packet signals.

However, DeLorme discloses a customer communication device adapted to communicate packet signals (i.e. mobile users can access the system via wireless communication)(see abstract, col. 14, lines 43-52 and col. 24, lines 29-67). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a customer communication device adapted to communicate packet signals as disclosed by DeLorme within Zeitman, Yoshida and Walker for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

As to claim 59, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of:

receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer.

However, DeLorme discloses receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer (i.e. waypoints and POIs)(col. 9, lines

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12-28 and lines 35-47). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving second electronic navigation information wherein the second electronic navigation information assists the customer in traveling from the business geographic location to a second business geographic location of a second good or service reserved by the customer as disclosed by DeLorme within Zeitman, Yoshida and Walker for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

As to claim 60, Zeitman does not explicitly disclose the method of claim 12 further comprising

prior to traveling to the business geographic location, accessing second reservation information representing a second good or service that may be reserved by customers from a second business of the plurality of businesses;

making a second request for a second reservation of the second good or service responsive to the step of accessing the second reservation information; and

receiving second confirmation information, representing that the second reservation has been made for the second good or service associated with the second business, responsive to the step of making the second request.

However, DeLorme discloses prior to traveling to the business geographic location, accessing second reservation information representing a second good or service that may be reserved by customers from a second business of the plurality of businesses (col. 9, lines 35-47);

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making a second request for a second reservation of the second good or service responsive to the step of accessing the second reservation information (col. 9, lines 12-28 and lines 35-47); and

receiving second confirmation information, representing that the second reservation has been made for the second good or service associated with the second business, responsive to the step of making the second request (col. 15, lines 33-66). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman, Yoshida and Walker for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

As to claim 61, Zeitman does not explicitly disclose the method of claim 12 wherein the electronic navigation information comprises at least one of an e-text direction and a highlighted map travel path.

However, DeLorme discloses wherein the electronic navigation information comprises at least one of an e-text direction and a highlighted map travel path (col. 49, lines 60-65). ). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman, Yoshida and Walker for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

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As to claim 62, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of selecting a route type from a plurality of route types associated with the electronic navigation information wherein the plurality of route types includes at least one of the quickest route and the shortest route.

However, DeLorme discloses the step of selecting a route type from a plurality of route types associated with the electronic navigation information wherein the plurality of route types includes at least one of the quickest route and the shortest route (col. 29, lines 19-31). ). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman, Yoshida and Walker for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

As to claim 63, Zeitman does not explicitly disclose the method of claim 12 further comprising the step of determining the customer geographic location by at least one of a global positioning system or 911 cellular service locating.

However, DeLorme discloses comprising the step of determining the customer geographic location by at least one of a global positioning system or 911 cellular service locating (col. 10, lines 34-58). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman, Yoshida and Walker for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

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9. Claims 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zeitman, Yoshida, and Walker and DeLorme in view of Examiner's use of official notice.

As to claim 66-68, the claims are similar in scope to claim 59 and 60 and are rejected on the same basis. Furthermore, DeLorme discloses providing discounts and incentives offers (col. 14, lines 19-43). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above as disclosed by DeLorme within Zeitman, Yoshida and Walker for the motivation of providing complete integration of all aspects of travel/activity required by a user (col. 6, lines 47-64).

Although Zeitman, Yoshida and DeLorme do not explicitly disclose offers or counteroffers based on time of day or volume sales of the product, the Examiner takes official notice that these types of offers were well known in the electronic ticketing arts for the motivation of maximizing profits per plane load (e.g. peak time, off peak times). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features claimed above within Zeitman, Yoshida and DeLorme for the motivation stated above.

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**Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Kalinowski, whose telephone number is (703) 305-2398. The examiner can normally be reached on Monday to Thursday from 9:00 AM to 6:30 PM. In addition, the examiner can be reached on alternate Fridays.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached on (703) 305-9588. The fax telephone number for this group is (703) 305-7687 (for official communications including After Final communications labeled "Box AF").

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th Floor, receptionist.



Alexander Kalinowski

Primary Examiner

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2/21/2005